



*Joint Motion to Vacate the Opinion and Order Sustaining in Part and Overruling in Part the ResCap Borrower Claims Trust's Objection to Claim Nos. 5610 and 5612 Filed by Richard D. Rode* [Docket No. 10068].

2. The Parties further declare that they have caused a review of the Court's docket in these cases and have not been advised that any other answer, objection or other responsive pleading to the Joint Motion appears thereon. The deadline for filing responses to the Joint Motion, September 1, 2016, has passed.

3. In accordance with the *Order Under Bankruptcy Code Sections 102(1), 105(a) and 105(d), Bankruptcy Rules 1015(c), 2002(m) and 9007 and Local Bankruptcy Rule 2002-2 Establishing Certain Notice, Case Management and Administrative Procedures* entered on May 23, 2012 [Docket No. 151] (the "Case Management Procedures"), the Parties submit this Certificate of No Objection pursuant to 28 U.S.C. § 1746.

4. Accordingly, for the reasons set forth in the Joint Motion, the Parties respectfully request that the proposed order granting the Motion, annexed hereto as Exhibit 1, be entered in accordance with the procedures set forth in the Case Management Procedures.

The undersigned declare under penalty of perjury that the foregoing is true and correct.

Dated: September 6, 2016  
New York, New York

/s/ Norman S. Rosenbaum

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**EXHIBIT 1**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

_____	)	
In re:	)	Case No. 12-12020 (MG)
	)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,	)	Chapter 11
	)	
Debtors.	)	Jointly Administered
_____	)	

**ORDER GRANTING JOINT MOTION  
TO VACATE THE OPINION AND ORDER SUSTAINING IN PART AND  
OVERRULING IN PART THE RESCAP BORROWER CLAIMS TRUST’S  
OBJECTION TO CLAIM NOS. 5610 AND 5612 FILED BY RICHARD D. RODE**

Upon the joint motion (the “Motion”)<sup>1</sup> of Richard D. Rode and The ResCap Borrower Claims Trust, as successor to Residential Capital, LLC and its affiliated debtors (collectively, the “Debtors”) with respect to Borrower Claims, seeking entry of an order, pursuant to F. R. Civ. P. 60(b)(5) and 60(b)(6), which are made applicable to these cases pursuant to Fed. R. Bankr. P. 9024, vacating the *Memorandum Opinion and Order Sustaining in Part and Overruling in Part the ResCap Borrower Claims Trust’s Objection to Claim Nos. 5610 and 5612 Filed by Richard D. Rode* [Docket No. 9094] (the “Opinion & Order”); and for the reasons set forth in the Motion; and the Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, and it appearing that no other or further notice need be provided; and the Court having found and determined that the

<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

legal and factual bases set forth in the Motion establish just cause for the relief granted herein;  
and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the relief requested in the Motion is granted to the extent provided  
herein; and it is further

ORDERED that, that the Opinion and Order is vacated pursuant to F. R. Civ. P. 60(b)(5)  
and 60(b)(6) and shall be of no prospective force and effect.

ORDERED that the terms and conditions of this Order shall be immediately effective and  
enforceable upon its entry; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters  
arising from or related to this Order.

Dated: \_\_\_\_\_, 2016  
New York, New York

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THE HONORABLE MARTIN GLENN  
UNITED STATES BANKRUPTCY JUDGE